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09/737,517

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7590

03/29/2004

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EXAMINER

TUCKER, WESLEY J

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 03/29/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,517

Applicant(s)

FISHER ET AL.

Examiner

Wes Tucker

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment and Arguments*

1. Applicant's response to the last Office Action, filed October 9, 2003 has been entered and made of record.
2. Applicant has amended claims 1, 4, 9, 19, 22, 27 and 37 and added claims 40-45.
3. Applicant's arguments have been fully considered, but they are not deemed to be persuasive for at least the following reasons.
4. Applicant argues that the TRIPS system does not receive graphical information from an electronic device controlled by a user. In response, the user controls the computer as the electronic device to receive the images from the Internet database/server to be used in TRIPS (column 8, lines 2-3). The TRIPS system contains graphical information including pictures to add to the maps. Therefore as broadly claimed, the references meet the new limitation.
5. Applicant argues that the rejection of claims 9-13, 15-18, 27-31, and 33-36 is overcome because the present Application and U.S. Patent 6,312,337 to Edwards were owned by Sony Corporation at the time the invention of the present Application was made. The rejection of claims 9-13, 15-18, 27-31, and 33-36 citing Edwards as prior art is withdrawn. However Claims 9, 10, 27, and 28 are rejected under 35 U.S.C.

Art Unit: 2623

103(a) as being unpatentable over U.S. Patent 5,948,040 to DeLorme et al. in view of U.S. Patent 6,343,738 to Ogilvie. Claims 11-13, 16-18, 29-31, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,948,040 to DeLorme et al. in view of U.S. Patent 6,343,738 to Ogilvie and further in view of U.S. Patent 6,583,799 to Manolis et al.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 14, 19-26, 32, 37-39, 40-43, and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,948,040 to DeLorme et al.

With regard to claim 1 (amended), DeLorme discloses a computerized method for generating a digital image geographical special interest guide comprising:

receiving digital images from an electronic device controlled by a user (column 8, lines 2-3). The user controls the computer as the electronic device to receive the images from the Internet database/server to be used in TRIPS.

processing digital images to associate the digital images with a category on a displayed geographical map (column 8, lines 4-13, 24-28, column 28, lines 56-64, column 32, lines 36-40).

And providing a digital images geographical special interest guide for the category containing the associated digital images (column 7, lines 22-27). In the invention disclosed by DeLorme, multimedia is requested and retrieved according to user input using electronic maps. Points of interest (POI) are also disclosed or searched in connection with the geographical locations on the various maps. Points of interest are different locations or areas found on the map with corresponding multimedia information in the form of sound, text, video, digital images etc. that can be searched by the user. Different multimedia presentations including digital images associated with geographical locations can be found in the patent (column 32, lines 27-40). The POIs are also organized by Topical data and can be searched using a variety of categories (column 32, lines 27-40).

With regard to claim 2, DeLorme discloses the computerized method of claim 1, wherein providing a digital image geographical special interest guide comprises:

allowing selection of a category on the displayed geographical map (column 8 lines 4-8, column 32, lines 27-39, column 28, lines 41-49, column 26, lines 55-64). See discussion of claim 1

retrieving digital images associated with the selected category (column 32, lines 27-40); and

generating a digital image geographical special interest guide using the retrieved digital images (column 8, 18-22). Here a system is disclosed where POIs with corresponding multimedia presentations containing digital images are organized and can be searched in a number of different ways. Categories in the patent refer to the "Who/What? When? Where? and How?" (column 26, lines 55-64) categories for searching different areas of a map. The POIs are always associated with geographical locations and always contain multimedia information including digital images. The geographical special interest guide is considered to be equivalent to the assembled POIs in the multimedia travelogue (column 8, lines 14-18).

With regard to claim 3, DeLorme discloses the computerized method of claim 1, wherein the category is chosen from a group consisting of a geographical locations on a map, landmarks, restaurants, hotels, theatres, nightlife, resorts, shopping malls, bars, entertainment, and scenic spots (column 56, lines 30-35). Here categories and locations can be searched according to the topical data in the TRIPS software. The topical data is organized in categories such as hotels restaurants, etc.

With regard to claim 4 (amended), DeLorme discloses the computerized method of claim 1, the electronic device being chosen from a group consisting of a stand alone computer, a networked system, and an online service (column 73, lines 5-9). Here DeLorme discloses the use of a stand-alone computer or kiosk and a wireless networked system. In reference to the wireless network system, transmitting TRIPS

Art Unit: 2623

data packets is further disclosed. It is understood that these packets contain multimedia information including digital images (column 73, lines 30-35 and 48-54). So the TRIPS data packets containing digital images are received from the wireless networked system.

With regard to claim 5, DeLorme discloses the computerized method of claim 1, further comprising:

generating a web page containing data that displays information chosen from the group consisting of digital image geographical special interest guide data, advertisements, banners, text, graphics, and hotlinks (column 14, lines 35-43). Here locally installed and deployed complex graphics and multimedia presentation services are provided online in real time on a web page.

With regard to claim 6, DeLorme discloses the computerized method of claim 5, further comprising storing the processed digital images (column 32, lines 26-40). Here the TRIPS application database allows for storing and retrieving topical data, which contains pictures and graphic images, analog or digital.

With regard to claim 7, DeLorme discloses the computerized method of claim 1, wherein providing the digital image geographical special interest guide comprises:

associating the processed digital images with hotlinks; and

enabling access of the digital images through the hotlinks (column 14, lines 35-43, 47-51). Here locally installed and deployed complex graphics and multimedia presentation services are provided online in real time on a web page. It is inherent that the invention disclosed in the form of a web page would have hotlinks to different multimedia since the patent refers to Java and "state-of-the-art software enhancements."

With regard to claim 8, DeLorme discloses the computerized method of claim 1, wherein providing the digital image geographical special interest guide comprises:

enabling access to the digital image geographical special interest guide upon payment of a fee (column 37, lines 25-28).

With regard to claim 14, DeLorme discloses the computerized method of claim 1, further comprising:

associating the processes digital images with a location on the geographical map corresponding to the category (column 8, lines 11-19); and

altering the geographical map to represent digital images taken at particular locations of the geographical map (column 8, lines 11-19). Here the POIs, which contain multimedia presentations that include digital images, are associated with different geographical locations on the map. In addition the POIs are "organized into a plurality of types for user selection of loc/objects or POIs individually or by type." This



means that the POIs containing digital images associated with different locations are also grouped for selection by "type" or category.

With regard to claim 19 (amended), DeLorme discloses a computerized system comprising: a digital image geographical special interest guide module executed from the computer-readable medium by the processor to cause the processor to process digital images to associate the digital images with a category on a displayed geographical map, and provide a digital image geographical special interest guide for the category containing the associated digital images (column 9, lines 33-36). Here DeLorme details the invention as used on a stand-alone computer. It is inherent that the components of a processor, a memory, a system bus, and a computer-readable medium are all standard in a computer.

It is noted that claims 19 and 1 vary only in that claim 19 details the components of a computer on which the invention operates. See also the reference for claim 1 above. Claims 19-26 and 32 repeat claims 1-8 and 14 while describing computer components performing the operations already detailed in claims 1-8 and 14. Claims 1-8 and 14 are already understood as being performed by a computer from the phrase "computerized method" in claim 1.

Regarding claims 20-26 and 32, see the discussions for claims 2-8 and 14 respectively

With regard to claim 37 (amended), DeLorme discloses a computer-readable medium having computer-executable instructions to cause a server computer to perform a method comprising: receiving digital images from an electronic device controlled by a user (column 8, lines 2-3). The user controls the computer as the electronic device to receive the images from the Internet database/server to be used in TRIPS.

Delorme further discloses processing digital images to associate the digital images with a category on a displayed geographical map; and providing a digital image geographical special interest guide for the category containing the associated digital images. Here it should be noted that claim 37 is almost identical to claim 19. Claim 37 only differs from claim 19 by the inclusion of a "computer-readable medium having computer-readable instructions." The reference accounts for the computer readable medium (column 10, lines 10-14). Please refer to claim 19 above as well.

With regard to claims 38 and 39, the remarks provided for claims 20 and 21 are applicable.

With regard to claim 40 (New), the discussion of claim 1 applies. An apparatus with means to perform the functions listed is considered to be included in the discussions of the performed method.

With regard to claim 41(New), the original discussion of claim 2 applies.

With regard to claim 42 (New), the original discussion of claim 5 applies.

With regard to claim 43 (New), any system that displays digital images must inherently possess a storage for those images.

With regard to claim 45 (New), the discussion of claim 14 applies.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 10, 27, 28, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,948,040 to DeLorme et al. in view of U.S. Patent 6,343,738 to Ogilvie.

With regard to claim 9 (amended), DeLorme discloses the method of claim 1. DeLorme does not disclose compensating [[a]] the user for submitting digital images to the digital image geographical special interest guide. Ogilvie discloses a method of online brokering for transferring digital information such as images (column 14, lines 60-65) and payment for that digital information (abstract). It would be advantageous to use the method of online compensation taught by Ogilvie to provide payment for submitted image data. Therefore it would have been obvious to one of ordinary skill in the art at

the time of invention to use an online compensation method as taught by Ogilvie to provide payment to users providing images for a geographical special interest guide in combination with the system of DeLorme in order to obtain more images of different geographical locations.

With regard to claim 10, the use of banners and advertisements on web pages in return for compensation is well known in the art and the examiner takes official notice. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use banners and advertisements in exchange for compensation.

With regard to claims 27 and 28 the discussions of claims 9 and 10 apply.

With regard to claim 44, the discussion of claim 9 applies.

10. Claims 11-13, 16-18, 29-31, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,948,040 to DeLorme et al. in view of U.S. Patent 6,343,738 to Ogilvie and further in view of U.S. Patent 6,583,799 to Manolis et al.

With regard to claim 11, Ogilvie discloses requesting images for a particular category (Fig. 3, element 1). Here Ogilvie discloses a seller and buyer negotiation. The buyer must describe the digital data desired. Ogilvie does not disclose receiving and associating images for separate categories. Manolis discloses a method wherein

pictures can be dragged and dropped in an interface to be distributed to predetermined locations or groups such as a particular category of images (column 4, lines 4-7). It would have been obvious to one of ordinary skill in the art at the time of invention to request a certain kind of digital image to be placed in a category as taught by Manolis in the combined system of DeLorme and Ogilvie in order to obtain the digital images needed to be associated with a certain category.

Manolis discloses receiving the images corresponding to a particular category and associating the received digital images with the particular category (column 4, lines 4-7). Here Manolis discloses a method wherein pictures can be dragged and dropped in an interface to be distributed to predetermined locations or groups such as particular categories of images. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the system of Manolis to receive and associate images with categories in the geographical special interest guide of DeLorme while receiving payment through the method taught by Ogilvie for requested pictures.

With regard to claim 12, Manolis discloses the method wherein the requesting being performed by a server by posting data on an Internet web page indicating users to submit digital images to a particular category (column 4, lines 5-10). Here uploading is interpreted as the interface being used on a web page for transfer via the Internet.

With regard to claim 13, the use of an emailing list or list serve is well known in the art to be used to inform a group of subscribers simultaneously and examiner takes

official notice. It would have been obvious to one of ordinary skill in the art at the time of invention to use an emailing list to simultaneously inform groups of subscribers simultaneously.

With regard to claim 15, the discussion of claim 11 applies. The categories discussed are the different locations found in the TRIPS database.

With regard to claim 16, the discussion of claim 11 applies. The categories discussed also include the different categories in the TRIPS database.

With regard to claim 17, the discussion of claim 11 applies. The categories and submissions to the TRIPS database are to enable display in the trips embodiment.

With regard to claim 18, the discussion of claim 11 applies. The categories would include the different locations and are used to display information corresponding to the TRIPS database.

With regard to claims 29-31 and 33-36 the discussions of claims 11-13 and 15-18 apply.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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03-08-2004

  
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